

Bennett, Giuliano, McDonnell & Perrone, LLP

New Jersey Office:

201 Littleton Road
P.O. Box 513
Morris Plains, NJ 07950
Tel. (973) 387-0486
Fax. (973) 796-2884

**494 Eighth Avenue, 7th Floor
New York, New York 10001**

**Telephone: (646) 328-0120
Telefax: (646) 328-0121**

www.bgmplaw.com

Florida Office:

6615 West Boynton Beach Blvd.
No. 351
Boynton Beach, FL 33437
Tel. (561) 337-8816
Fax. (561) 337-4653

June 10, 2008

Via Fax: (212) 805-7933 and ECF

The Honorable Andrew J. Peck
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1370
New York, New York 10007

Re: Merchant Cash & Capital, LLC v.
Fried Okra, et al.
07 CV 10345 (SAS) (AJP)
Our File: D735

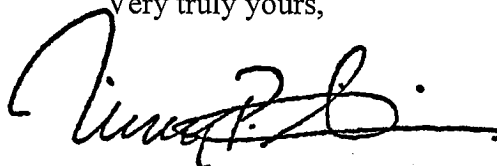
Dear Judge Peck:

I represent the plaintiff and I write to advise your Honor that this case has been settled.

I spoke with chambers this morning and I was instructed to write to your Honor to request entry of an order dismissing this case without prejudice.

It is my understanding that the conference scheduled for today at 10:30 a.m. is cancelled.

Very truly yours,



Nicholas P. Giuliano

/bm

The Honorable Andrew J. Peck

June 10, 2008

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cc: **Via Fax: (212) 949-7052**
Snow Becker Krauss P.C.
Attorneys for Defendants
Derek A. Wolman (DW 9720)
Susan M. Smith (SS 8649)
605 Third Avenue, 25th Floor
New York, New York 10158
Telephone: (212) 455-0442
Facsimile: (212) 949-7052